

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 2ND DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

Writ Petition No.15537 of 1998

Dyamappa Cheluvadi
S/o Hanumantappa Cheluvadi
Major, Occ: Agriculturist
R/o Katenahalli
Taluk & Dist. Haveri .. PETITIONER

(By Sri B.^B.Goudar, Advocate)

- Vs -

1. The Deputy Commissioner
Haveri Sub-Division
Haveri
2. The Tahsildar
Haveri Taluk
Dist. Haveri
3. The Land Regularisation
Committee
represented by Tahsildar
Haveri Taluk, Dist. Haveri .. RESPONDENTS

(By Sri N.P.Singri, HCGP)

* * *

This writ petition is filed under Articles 226 and 227 of the Constitution of India praying to direct R2 and R3 to dispose of the application filed by the petitioner for regularisation of unauthorised cultivation of the land in S.No.52 of Kagenahalli Village, Haveri Taluk, Haveri District, and etc.

This petition coming on for preliminary hearing this day, the Court made the following:-

O R D E R

Though this petition is posted for preliminary hearing, with the consent of the learned counsel appearing for the parties, it is taken up for final hearing and disposed of by this order.

2. The petitioner in this petition claims to be in unauthorised occupation of Government land measuring 20 acres and 27 guntas in Sy.No.52 situated at Kagenelli Village, Haveri Taluk, Haveri District. The grievance of the petitioner in this petition is that though the petitioner has filed Form No.50 claiming regularisation of the said land ~~in~~ [✓] ~~unauthorised occupation~~ [✓] in spite of the request made by the petitioner/~~in~~ ^{the} Form No.50 filed by the petitioner has not yet been disposed of.

3. Learned counsel for the petitioner submitted that there is a statutory obligation on the part of the authorities to dispose of the application within a reasonable period from the date of the



application.

4. Sri Singri, learned Government Pleader submits that the claim made by the petitioner that the petitioner is in unauthorised occupation measuring 20 acres and 27 guntas is totally false and baseless. He also submitted that the petitioner is not entitled for the regularisation of the said land.

5. Whether the petitioner is entitled for regularisation of the land in question or not; and whether the petitioner is in possession of the said land or not is a matter required to be considered by the respondent-Committee. The only order that can be made at this stage is to direct the 3rd respondent-Committee to consider the application in Form No.50 stated to have been filed by the petitioner as expeditiously as possible and at any event of the matter not later than nine months from the date of receipt of a copy of this order. Accordingly, it is ordered. However, it is made clear that the

WV

149

direction given in this order to dispose of the application should not be understood by the Committee as this Court expressing its views one way or the other on the merits of the claim made by the petitioner. The Committee shall consider the application of the petitioner on merits and keeping in view the provision of the Land Revenue Act and the Rules framed thereunder. Accordingly, this petition is allowed and disposed of in terms stated above.

6. Sri N.P.Singri, learned Government Pleader is given four weeks' time to file his memo of appearance.



pmg/

Sd/-
JUDGE